

No.

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Vol 20 30

**In the United States  
Circuit Court of Appeals  
For the Ninth Circuit.**

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In the Matter of the Petition of  
DOLORES LOPEZ NUNEZ,  
For a Writ of Habeas Corpus.

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WALTER E. CARR, District Director of Immigration  
of the United States for the Los Angeles District,  
No. 20,

Appellant,

vs.

DOLORES LOPEZ NUNEZ,

Appellee.

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**Transcript of Record**

Upon Appeal from the District Court of the United States for the  
Southern District of California, Central Division.

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**FILED**

AUG 23 1937

PAUL P. O'BRIEN,

CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original record are printed literally in italics; and, likewise, cancelled matter appearing in the original record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italics the two words between which the omission seems to occur.]

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**Names and Addresses of Attorneys.**

For Appellant:

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United States Attorney,

LEO V. SILVERSTEIN, Esq.,

Assistant United States Attorney,

610 South Main Street,

Los Angeles, California.

For Appellee:

DAVID C. MARCUS, Esq.,

333 West Second Street,

Los Angeles, California.



## UNITED STATES OF AMERICA, ss.

To DOLORES LOPEZ NUNEZ, Petitioner and Appellee herein, and to DAVID C. MARCUS, Attorney for said Dolores Lopez Nunez: Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be held at the City of San Francisco, in the State of California, on the 21st day of August, A. D. 1937, pursuant to an appeal allowed and filed July 22, 1937 in the Clerk's Office of the District Court of the United States, in and for the Southern District of California, in that certain habeas corpus proceeding wherein Walter E. Carr, District Director of Immigration of the United States for the Los Angeles District, No. 20, is appellant and you are appellee, and to show cause, if any there be, why the judgment, order and decree discharging the above named Dolores Lopez Nunez from the custody of the said Walter E. Carr, District Director of Immigration of the United States for the Los Angeles District No. 20, in the said appeal mentioned, should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable PAUL J. McCORMICK United States District Judge for the Southern District of California, this 22nd day of July, A. D. 1937, and of the Independence of the United States, the one hundred and sixty-second.

Paul J. McCormick

U. S. District Judge for the Southern District of California.

[Endorsed]: Received copy of within Citation this 22 day of July, 1937 David C. Marcus S Stoner Attorney for Defendant. Filed Jul. 22 1937 R. S. Zimmerman, Clerk By J. M. Horn Deputy Clerk.



DISTRICT COURT OF THE UNITED STATES  
SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

IN THE MATTER OF THE )	
PETITION OF )	PETITION FOR
	WRIT OF
DOLORES LOPEZ NUNEZ )	HABEAS
	CORPUS
FOR A WRIT OF HABEAS )	NO. 13092 M
CORPUS )	

TO THE HONORABLE DISTRICT COURT OF  
THE UNITED STATES, FOR THE SOUTH-  
ERN DISTRICT OF CALIFORNIA, CENTRAL  
DIVISION:

The petition of DOLORES LOPEZ NUNEZ, respectfully shows:

I.

That your petitioner was born on the 26th day of May, 1908 at Guadalajara, State of Jalisco, Republic of Mexico and is a citizen of the Republic of Mexico. (Page 1—Exhibit A)

II.

That your petitioner was legally admitted to the United States approximately the year 1914 and continuously resided therein and departed therefrom about the year 1920.

That on the 8th day of December 1922 petitioner was again legally and lawfully admitted to the United States at Tia Juana, California. That at said time and place Form 603, Bill and Notice for Head Tax No. 15317 was

issued at Tia Juana, California in the name of Domingo Lopez and Margarita S. de Lopez and Marcelina Lopez showing amongst other things admission on same date and accompanied by Dolores Lopez, your petitioner, 12 years of age. That ever since said time your petitioner has continuously been a resident of the City of Los Angeles, County of Los Angeles, State of California within the jurisdiction, district and division of the above entitled Court. (Page 3—Exhibit A)

### III.

That on the 30th day of July, 1924 at Los Angeles, California, your petitioner married one Castulo Nunez and ever since said time and now is known as Dolores Lopez de Nunez. (Page 3—Exhibit A)

### IV.

That on the 18th day of April, 1927 at San Ysidro, California, Border Crossing Identification Card Form 687 duplicate No. 3767 was issued to your petitioner, Dolores Lopez de Nunez, by Henry Y. Hackett, Inspector in Charge, reissued on four separate occasions last date bearing March 16, 1932. That said document contains notation: "United States Resident". (Page 10—Exhibit A)

### V.

That on or about the 13th day of June, 1935 within the District and Division of said Court and within its Jurisdiction your petitioner was arrested and restrained of her liberty and is now held in constructional custody by the Honorable A. E. Carr, District Director of Immigration of the Los Angeles District, Harry Blee, Assistant Di-

rector; and Judson F. Shaw, Inspector in Charge of the Immigration and Naturalization Service at Los Angeles, California, by virtue of a purported warrant of arrest issued by the Honorable Secretary of Labor at Washington, D. C. dated May 25, 1925 charging your petitioner in code as follows:

1. A person likely to become a public charge at the time of entry.

2. Becoming a public charge within Five Years after your entry into the United States from causes not affirmatively shown to have arisen subsequent thereto. (Page 1—Exhibit A Hearing June 13, 1935)

## VI.

That pursuant to said warrant, in the City of Los Angeles, California and on the following dates: the 18th day of June, 1935; 10th day of January, 1936; 27th day of January, 1936; the 3rd day of February, 1936; the 21st day of February, 1936; and the 4th day of March, 1936, hearings were held and testimony was taken before a United States Immigration Officer to determine your petitioner's right to remain in the United States and why she should not be deported therefrom to the Republic of Mexico upon the grounds stated in said warrant. That a copy of said testimony is herewith attached, made a part hereof and marked Exhibit "A" and set forth herein the same as if stated verbatim. That said evidence is a complete record of the proceedings had before the Immigration and Naturalization Service of the Department of Labor and contains a full, true and correct copy of said hearings.

## VII.

That thereafter to-wit and on or about the 6th day of July, 1936 a warrant of deportation was issued by the Department of Labor directing the deportation of your petitioner to the Republic of Mexico.

## VIII.

That said warrant of deportation is unlawful, illegal, invalid, null and void and your petitioner is being unlawfully deprived of her liberty by said immigration officers and officers of the Department of Labor and Immigration and will deport her from the United States unless restrained by this Honorable Court for the following reasons:

1. That there is an absence of any substantial evidence in the record to sustain the warrant of Deportation and therefore the foregoing hearings and the results thereof were and are unfair.

2. That there is an absence of any substantial evidence in the record—(1) that your petitioner was a person likely to become a public charge at time of entry and (2) became a public charge within five years after entry into the United States from causes not affirmatively shown to have arisen subsequent thereto.

3. That it affirmatively appears that your petitioner was not a public charge at time of entry.

4. That it affirmatively appears that your petitioner did not become a public charge within five years after entry.

5. That if this Court should determine that your petitioner became a public charge within five years after en-



try that it affirmatively appears to have arisen from causes suffered subsequent to entry.

6. Because of the exercise of a mistaken theory of the law applicable to the record herein.

7. Because of the arbitrary and capricious actions of said officers.

8. By reason of the exercise of an abuse of discretion vested in said Department.

9. That petitioner was denied the due process and equal protection of the law in violation of Article I Section 4 of the Constitution of the United States and the XIV Amendment of the Constitution of the United States.

## IX.

That there is an absence of any substantial evidence in the record to sustain the warrant of Deportation and therefore the foregoing hearings and the results thereof were and are unfair for the following reasons to-wit:

1. That said record discloses that the children of your petitioner are American Citizens whose names, ages, date and place of birth appear as follows:

Castulo Raul Nunez, born May 14, 1928, at Los Angeles, California, U. S. Age 9.

Alfredo Nunez, born December 22, 1929, at Los Angeles, California, U. S. Age 8.

Estella Nunez, born December 7, 1931, at Los Angeles, California, U. S. Age 6.

(Page 2—Exhibit A)

2. That the birth of said children was registered in the Office of the Health and Registrar of Health, Department of Health, City of Los Angeles. (Page 2-3—Exhibit A)

3. That it affirmatively appears from said record that on the 7th day of December, 1931 your petitioner “was admitted to the Los Angeles County Osteopathic Hospital, December 7th and left December 16, 1931.”

“Patient was delivered of a female infant December 7, 1931”.

“Seen in Clinic December 17, 1931. Complaint: pain and soreness in lower abdomen since child born one year ago. More pronounced on right side. Pain increased when patient works or stands. Occasional vaginal discharge, yellow. Discharge first appeared about 1 month post-partum. Eyes—external strabismus. No vision in right eye. Left eye vision good. No redness or discharge.” Physician’s note: Jan. 11, 1933: “Perineum fair. Uterus in good position, freely movable, normal size. Both tubes palpable and tender. Cervix rough. Diagnosis: Chronic double salpingitis; cervical erosion, thick discharge.” Physician’s note: June 21, 1933: “Tubes are not palpable this morning. Cervix has healed up nicely. Complains of some tenderness in bowels. Patient may be dismissed with instructions about diet, i. e., not so many beans and rice and more cooked vegetables—some fruit.” (Exhibit B—Report of Los Angeles County General Hospital, dated November 30, 1934.)

4. That it affirmatively appears that your petitioner did not become a public charge within five years of entry:



“BY COUNSEL TO ALIEN.

Q. Now prior to the death of your husband in September of 1931, you say you had not been receiving any aid or assistance from the County or State or Federal Government of any kind?

A. No.

Q. And you were during that time, that is, from the time of your marriage until the death of your husband, being supported in full by his earnings?

A. Yes.

Q. Now after the death of your husband or at the time of his death, where were you living?

A. With my mother.

Q. Was your husband with you then?

A. When he became ill, I went to my mother with my family and he stayed with his mother. He died in the Hospital.

Q. In what hospital did he die?

A. He died in the General Hospital.

Q. How long was he sick?

A. He was ill about eleven months before his death.

Q. When was it that aid and assistance of the County for any clothing or groceries was first furnished to you or your family?

A. During the latter part of the year of 1931 I received aid from the County first and then later from the State.

Q. What aid did you received?

A. I first only received groceries.

Q. Do you know who these groceries were for?

A. This aid, these groceries were for my children.

Q. Who was living at your mothers?

A. My mother Margarita Lopez and Josefina Lopez, my sister, and myself and my children.

Q. Now was your sister working at the time? A. Yes sir.

Q. For whom and how much was she earning?

A. I am not so very sure, but I believe it was \$15.00 per week, in a curtain factory.

Q. Now did you ask for any aid for yourself from the County or did you ask for aid for your children?

A. I asked for aid for my children. I never asked for aid for myself, but they gave me of their own pleasure some clothes and provisions.

Q. Now when did you first go to the clinic?

A. I first went to the clinic when I was expecting my last child at Temple Street. My husband had died before my last child was born.

Q. How many times did you attend the clinic?

A. I went there many times.

Q. What clinic was that, do you know?

A. The Maternity Clinic of the County of Los Angeles.

Q. Where was your child born?

A. My child was born at the County Hospital.

Q. And how long did you stay there?

A. I was there ten days.

Q. Then did you return home?

A. Then I returned to my mother's home.

Q. When did you first start receiving any money from the County of Los Angeles?

A. I first started receiving money in November 1932, but I am not very sure of that.

Q. How much were you receiving at that time?

A. Forty Dollars per month.

Q. Now how was that determined; you had four children did you not?

A. Yes.

Q. And were you receiving a certain amount for each child?

A. I was receiving \$10.00 a month for each child or a total of \$40.00 per month for all of them.

Q. Were you receiving any other assistance or any other help.

A. Nothing else.

Q. From this time in November of 1932, had you been receiving this \$40.00 a month continuously thereafter?

A. Yes.

Q. Until when?

A. Until my oldest child was killed. Until May of 1934.

Q. And then what was done with reference to your allowance or aid from the County?

A. Since May of 1934 I have been receiving \$30.00 a month. I have been receiving \$30.00 per month for the three children and \$2.25 additional. This \$2.25, I do not know what it is for. I am not sure, but possible from the S. E. R. A.

Q. Now from November 1932 until May 1934, did you receive any other aid or assistance in the form of money from the county of Los Angeles?

A. I received some clothes for myself and for my children and one small order of groceries.

Q. Now during this period of time were you living with your mother?

A. Yes.

Q. And was your sister working during this time too?

A. Yes.

Q. And was she assisting in supporting the family?

A. Yes, her family.

Q. You mean by that your mother?

A. My mother and my sister and my nephew.

Q. Did she help you any?

A. She paid half of the rent and half the bills and half everything.

Q. Did she buy your clothes?

A. When I needed something she would buy me clothes.

Q. When did you first visit the County Hospital?

A. I do not remember.

Q. Refreshing your memory, was it not in January, of 1933?

A. Yes, I think it was.

Q. Now prior to the time of your visit to the clinic after the death of your husband, have you received any aid or assistance of any kind from the County of Los Angeles?

A. No, I did not.

Q. The records show that you complained of soreness in the lower abdomen since the birth of your child one year before and that the pain was more pronounced on the right side. Were these complaints that you made at the time, to the best of your knowledge, occasioned by the birth of your child?

A. Yes, from the birth of my child.



Q. Did these pains and illness come to you while you were a resident of Los Angeles and of the United States

A. Yes.

Q. Now in September 28, 1933, you attended the County Hospital and complained of pains in your chest and around your heart for about two months previous to that and at which time you complained that the pains would come on every few days and last from several hours to one day or more and that you had pains in the shoulder which would last about a week. Now were those complaints true?

A. Those are true.

Q. Now with whom did you talk to at that time, September 28, 1933, at the County Hospital?

A. With a doctor.

Q. Do you know his name?

A. No.

Q. Was it Doctor Galbraith?

A. I do not know.

Q. Now did you acquire these pains and did they continue during your residence and while you were living in Los Angeles, California?

A. Yes. Before my husband's death I did not have these pains, but afterwards I began to feel them.

Q. Did the doctor tell you that there was anything wrong with your lungs?

A. He told me I had two small infections in my lungs.

Q. I show you your alien's Identification Card No. 3767, duplicate of which has heretofore been introduced

in evidence in this case, and ask you when, if you can refresh your memory from this card and tell me, when it was that you departed from the United States from the record indicated on this card. Was it on March 18, 1932?

A. Yes, that was the date.

Q. Now between March 18, 1932, and August 1934, did you go out of the United States at all?

A. No, I did not.

Q. I am showing you this head tax receipt with the notations on the back of it and ask you if it is not a fact that on August 3, 1934, you did leave the United States for Mexico?

A. Yes, I remember going.

Q. And did you use this Alien's Exhibit No. 1 when you went out on that date?

A. Yes, I took it and used it.

Q. Now the other notation on here, some six others, did you use those at all?

A. My mother used them. My mother's name is Margarita, and Josefina did too.

Q. Now the notation on the side of this, August 3, 1934, date shows "Out temporarily to Mexico". Now is that the only time that you used this?

A. Yes.

Q. Where did you go?

A. I went to Tijuana and then I went from Tijuana to a little ranch outside of Tijuana."



## X.

That your petitioner is not held by virtue of any complaint, indictment, presentment, warrant or guarantee, law, rule, regulation or order, except as above specifically set out.

## XI.

That no other application for Writ of Habeas Corpus has been made by or on behalf of your petitioner.

WHEREFORE, your petitioner, DOLORES LOPEZ NUNEZ, prays that a Writ of Habeas Corpus issue directed to said Honorable A. E. Carr, Honorable Harry Blee and Honorable Judson F. Shaw, commanding them that they be and appear and to then and there produce your petitioner by them so detained before the above entitled Court to do and receive what shall then and there be considered concerning said petitioner.

DATED: This 1st day of March, 1937.

David C. Marcus

DAVID C. MARCUS,

Attorney for Petitioner.

UPON reading the above petition for a Writ of Habeas Corpus and good cause appearing therefor let the Writ issue returnable before this Court on the 15th day of March, 1937 at the hour of 10 A M of said date.

Dated: This 1st day of March, 1937.

Paul J. McCormick

JUDGE.

Dolores Lopez Nunez.

[Seal] R. S. ZIMMERMAN  
Clerk U. S. District Court, Southern  
District of California

By J. M. Horn  
Deputy

[Endorsed]: Filed May 1 - 1937 R. S. Zimmerman,  
Clerk By J. M. Horn Deputy Clerk.

DISTRICT COURT OF THE UNITED STATES  
SOUTHERN DISTRICT OF CALIFORNIA  
CENTRAL DIVISION

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IN THE MATTER OF THE )  
 PETITION OF ( ) NO. 13092-M  
 DOLORES LOPEZ NUNEZ, ( )  
 FOR A WRIT OF HABEAS ( )  
 CORPUS. )

THE PRESIDENT OF THE UNITED STATES

TO: HONORABLE W. E. CARR, HARRY BLEE and  
 JUDSON F. SHAW,

..... GREETING:

YOU ARE HEREBY COMMANDED to have the  
 body of DOLORES LOPEZ NUNEZ, by you impris-  
 oned, by whatever name she shall be called, the petitioner  
 for a Writ of Habeas Corpus in the above entitled case,  
 before the above entitled Court and the Honorable PAUL  
 J. MCCORMICK, Judge of said Court, at the Court  
 Room of said Court in the City of Los Angeles, Cali-  
 fornia, on the 15th day of March, 1937, at 10 A. M., to

do and receive what shall then and there be commended  
in the premises and have you then and there this writ.

WITNESS The Honorable PAUL J. MC CORMICK  
JUDGE of the said United States District Court, for the  
Southern District of California, Southern Division.

Dated: This 1st day of March, 1937.

[Seal]

R. S. ZIMMERMAN.

Clerk.

By J. M. Horn

J. M. Horn

Deputy Clerk

[Endorsed]: Filed Aug 10, 1937. R. S. Zimmerman,  
Clerk By Robert P. Simpson, Deputy Clerk.

[TITLE OF COURT AND CAUSE.]

## RETURN TO WRIT OF HABEAS CORPUS

I, HARRY B. BLEE, Assistant to the District Director of Immigration and Naturalization, Los Angeles, California, respondent herein, for my return to writ of habeas corpus herein, do hereby certify that I am unable to produce the body of the said DOLORES LOPEZ NUNEZ before this Honorable Court for the reason that the said DOLORES LOPEZ NUNEZ is at liberty upon her own recognizance, and for further return to said writ hereby certify that the true cause of the detention of the aforesaid DOLORES LOPEZ NUNEZ is the authority contained in a certain warrant of deportation duly and regularly issued on June 29, 1936, by an Assistant to the Secretary of Labor of the United States of America, after a hearing duly and regularly held before an immigrant inspector of the United States. A copy of the said warrant of deportation is attached hereto and made a part hereof.

Harry B. Blee

HARRY B. BLEE

Ass't. District Director

Immigration & Naturalization Service

Los Angeles, California

Respondent

## WARRANT – – – DEPORTATION OF ALIEN

## UNITED STATES OF AMERICA

Department of Labor

Washington

No. 9097/6492

No. 55895/642

TO: DISTRICT DIRECTOR OF IMMIGRATION  
AND NATURALIZATION, Los Angeles, Calif.

Or to any Officer or Employee of the United States Immigration and Naturalization Service.

WHEREAS, from proofs submitted to me, Assistant to the Secretary, after due hearing before an authorized immigrant inspector, I have become satisfied that the alien

DOLORES LOPEZ de NUNEZ,

who entered the United States at San Ysidro, Calif., on – – – the 22nd day of Aug., 1934, is subject to deportation under section 19 of the Immigration Act of February 5, 1917, being subject thereto under the following provisions of the laws of the United States, to wit: The act of 1917, in that she was a person likely to become a public



charge at the time of entry; and that she became a public charge within five years after *he* entry into the United States from causes not affirmatively shown to have arisen subsequent thereto.

I, the undersigned officer of the United States, by virtue of the power and authority vested in me by and under the laws of the United States, do hereby command you to deport the said alien to – Mexico – , at the expense of the appropriation “Salaries and Expenses, Immigration and Naturalization Service, 1936”, including the expenses of an attendant, if necessary.

For so doing this shall be your sufficient warrant.

Witness my hand and seal this 29th day of June, 1936.

/s/ TURNER W. BATTLE

Ass't. to the Secretary of Labor

[Endorsed]: Received copy of the within Return to Writ of Habeas Corpus this ..... day of March, 1937. D. C. Marcus Attorney for Petitioner Filed Mar 15 1937 R. S. Zimmerman, Clerk By B. B. Hansen Deputy Clerk.

At a stated term, to-wit: The February Term, A. D. 1937, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles on Monday the 15th day of March in the year of our Lord one thousand nine hundred and thirty-seven.

Present:

The Honorable: PAUL J. McCORMICK District Judge.

In the Matter of	)	
Dolores Lopez Nunez,	)	No. 13092-M-Crim.
on Habeas Corpus.	)	

This cause coming on for hearing on return to writ; David C. Marcus, Esq., appearing for the petitioner; Leo Silverstein, Esq., Assistant U. S. Attorney, appearing for the Government; David C. Marcus, Esq., moves that the petition be considered traverse to Return including Immigration Record to be filed in ten days, and it is so ordered.

At a stated term, to wit: The February Term, A. D. 1937, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles on Wednesday the 28th day of April in the year of our Lord one thousand nine hundred and thirty-seven.

Present:

The Honorable Paul J. McCormick, District Judge.

In the Matter of	)	
	)	
DOLORES LOPEZ NUNEZ	)	No. 13092-M
	)	
On Habeas Corpus.	)	

Upon the record submitted in this habeas corpus proceeding, it appears that the alien petitioner has been, without due process of law and as the result of an abuse of discretion by the immigration authorities of the United States, ordered deported to Mexico. It is therefore ordered that the petitioner Dolores Lopez Nunez be discharged from further custody or restraint of officers or agents of the United States, and that she be not deported at this time. See memorandum opinion filed herein this day.

Exceptions allowed respondent.

IN THE DISTRICT COURT OF THE UNITED  
STATES IN AND FOR THE SOUTHERN  
DISTRICT OF CALIFORNIA  
CENTRAL DIVISION  
*CENTRAL DIVISION*

In the Matter of	)	No. 13092-M
	)	PETITION FOR
DOLORES LOPEZ NUNEZ	)	APPEAL AND
	)	ORDER ALLOW-
On Habeas Corpus	)	ING APPEAL

WALTER E. CARR, District Director, U. S. Immigration and Naturalization Service, Department of Labor, for the Los Angeles District No. 20, Petitioner and Appellant here, deeming himself aggrieved by the judgment and order entered herein on April 28, 1937, does hereby appeal from said order and judgment to the United States Circuit Court of Appeals for the Ninth Circuit and prays that a transcript of record of the proceedings and papers on which said order and judgment were made, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Judicial District of the United States.

Dated: July 22, 1937.

PEIRSON M. HALL,  
United States Attorney,  
By Leo V. Silverstein  
Assistant United States Attorney.

## ORDER

Now, to-wit: on the 22nd day of July, 1937

IT IS ORDERED that the above petition for appeal be granted and that the said appeal be allowed as prayed for.

Paul J. McCormick

United States District Judge.

[Endorsed]: Received copy of the within petition for appeal and order allowing appeal this 22 day of July 1937 David C Marcus S. Stoner Attorney for Petitioner & Appellee. Filed Jul 22 1937 R. S. Zimmerman, Clerk By J. M. Horn Deputy Clerk.



[TITLE OF COURT AND CAUSE.]

ASSIGNMENTS OF ERROR.

COMES NOW Walter E. Carr, District Director, U. S. Immigration and Naturalization Service, Department of Labor, for the Los Angeles District No. 20, and presents the following assignments of error in the decision of the District Court for the Southern District of California, as follows:

1. The Court erred in discharging said Dolores Lopez Nunez from the custody of Appellant.
2. The Court erred in holding and deciding that the deportation of Dolores Lopez Nunez would be violative of due process of law and contrary to the public policy of the United States.
3. The Court erred in holding and deciding that, as a matter of law, sound public policy precluded the deportation of said Dolores Lopez Nunez.
4. After finding that warrant of deportation issued by the Secretary was warranted from the facts and that said warrant of deportation was fairly issued, the Court erred in discharging said Dolores Lopez Nunez from the custody of Appellant.

Dated: This 22nd day of July, 1937.

Peirson M. Hall  
United States Attorney,  
By Leo V. Silverstein  
Assistant United States Attorney.

[Endorsed]: Received copy of the within Assignments of Error this 22 day of July 1937 David C Marcus S Stoner Attorney for Petitioner & Appellee Filed Jul 22 1937 R. S. Zimmerman, Clerk By J. M. Horn Deputy Clerk.



[TITLE OF COURT AND CAUSE.]

STIPULATION REGARDING ORIGINAL RECORDS AND FILES OF DEPARTMENT OF LABOR.

IT IS HEREBY STIPULATED AND AGREED by and between Peirson M. Hall, United States Attorney for the Southern District of California, Central Division, and Leo V. Silverstein, Assistant United States Attorney for said district, attorneys for Walter E. Carr, Director of Immigration and Naturalization Service of the United States for the Los Angeles District, No. 20, appellant, and David C. Marcus, attorney for the appellee herein, that the original files and records of the Department of Labor, covering the deportation proceedings against the said appellee which were filed in the hearing in the above entitled case may be by the Clerk of this court sent up to the Clerk of the United States Circuit Court of Appeals, Ninth Circuit, as part of the appellate record in order that said original immigration files may be considered by the Circuit Court of Appeals for the Ninth Circuit in lieu of certified copy of said records and files and that said original records may be transmitted as part of said appellate record.

DATED: August 2, 1937.

Peirson M. Hall

PEIRSON M. HALL

United States Attorney

Leo V. Silverstein

LEO V. SILVERSTEIN

Assistant United States Attorney

David C. Marcus

DAVID C. MARCUS

Attorney for Dolores Lopez Nunez

[Endorsed]: Filed Aug. 3 1937 R. S. Zimmerman,  
Clerk By Robert P. Simpson Deputy Clerk.

[TITLE OF COURT AND CAUSE.]

ORDER FOR TRANSMISSION OF ORIGINAL  
EXHIBITS

ON STIPULATION OF COUNSEL, it is by the court ORDERED that the original records in the United States Immigration Office, filed herein on the hearing of the return of the said appellant Walter E. Carr, District Director of the United States Immigration and Naturalization Service for the Los Angeles District, No. 20, to the writ of habeas corpus herein, be transmitted by the Clerk of this Court to the United States Circuit Court of Appeals for the Ninth Circuit as original exhibits, in lieu of a certified copy of said records and files and that the same may not be printed.

DATED: August 3, 1937.

Leon R Yankwich  
United States District Judge.

[Endorsed]: Filed Aug 3-1937 R. S. Zimmerman,  
Clerk By Robert P. Simpson Deputy Clerk.

[TITLE OF COURT AND CAUSE.]

PRAECIPE FOR TRANSCRIPT OF RECORD  
ON APPEAL.

TO THE CLERK OF THE ABOVE ENTITLED  
COURT:

You will please prepare and duly authenticate the transcript and the following portions of the record in the above entitled case for appeal of said appellant heretofore allowed to the United States Circuit Court of Appeals for the Ninth Circuit, to-wit:

1. Complaint and Petition for Writ of Habeas Corpus.
2. Order granting Writ of Habeas Corpus and fixing bond pending hearing thereon.
3. Writ of Habeas Corpus.
4. Return to Writ of Habeas Corpus.
5. Order discharging said Dolores Lopez Nunez from custody of said Walter E. Carr as Director of Immigration.
6. Petition for Appeal.
7. Order allowing Appeal.
8. Assignment of Error.

9. Stipulation that original files and records in the Department of Labor be sent to the Clerk of the Circuit Court as part of the appellate record.

10. Order for transmission of original exhibits.

11. Citation.

12. This Praecipe.

13. Record showing traverse to return on writ of habeas corpus.

DATED: August 2, 1937.

Peirson M. Hall

PEIRSON M. HALL

United States Attorney

Leo V. Silverstein

LEO V. SILVERSTEIN

Assistant United States Attorney

[Endorsed]: Received copy of the within this 1st day of Aug 1937 D C Marcus Filed Aug 3 1937 R. S. Zimmerman, Clerk By Robert P. Simpson Deputy Clerk.

[TITLE OF COURT AND CAUSE.]

### CLERK'S CERTIFICATE.

I, R. S. Zimmerman, clerk of the United States District Court for the Southern District of California, do hereby certify the foregoing volume containing 30 pages, numbered from 1 to 30 inclusive, to be the Transcript of Record on Appeal in the above entitled cause, as printed by the appellant, and presented to me for comparison and certification, and that the same has been compared and corrected by me and contains a full, true and correct copy of the citation; petition for writ of Habeas Corpus; order granting writ of Habeas Corpus; return to writ of Habeas Corpus; order of March 15, 1937; order of April 28, 1937; petition for appeal and order allowing appeal; assignment of errors; stipulation regarding original records and files of department of labor; order for transmission of original exhibits, and praecipe.

I DO FURTHER CERTIFY that the amount paid for printing the foregoing record on appeal is \$

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the District Court of the United States of America, in and for the Southern District of California, Central Division, this..... day of August, in the year of Our Lord One Thousand Nine Hundred and Thirty-seven and of our Independence the One Hundred and Sixty-second.

R. S. ZIMMERMAN,

Clerk of the District Court of the  
United States of America, in  
and for the Southern District  
of California.

By

Deputy.



